

AMENDMENT TO H.R. 357, AS REPORTED
OFFERED BY MR. GOTTHEIMER OF NEW JERSEY

Add at the end of the bill the following:

1 SEC. 2. DEFINITIONS.

2 In this Act—

3 (1) the term “Commission” means the Regu-
4 latory Improvement Commission established under
5 section 3;

6 (2) the term “commission bill” means a bill
7 consisting of the proposed legislative language of the
8 Commission recommended under section 4(h)(2)(C)
9 and introduced under section 4(i)(1); and

10 (3) the term “covered regulation” means a reg-
11 ulation that has been finalized not later than 10
12 years before the date on which the Commission is es-
13 tablished.

14 SEC. 3. ESTABLISHMENT OF COMMISSION.

15 (a) ESTABLISHMENT.—There is established in the
16 legislative branch a commission to be known as the “Regu-
17 latory Improvement Commission”.

18 (b) MEMBERSHIP.—

19 (1) COMPOSITION.—The Commission shall be
20 composed of 10 members, of whom—

1 (A) 2 members shall be appointed by the
2 President, and shall serve as the co-chairs of
3 the Commission, who shall each be of opposite
4 political parties;

5 (B) 2 members shall be appointed by the
6 majority leader of the Senate;

7 (C) 2 members shall be appointed by the
8 minority leader of the Senate;

9 (D) 2 members shall be appointed by the
10 Speaker of the House of Representatives; and

11 (E) 2 members shall be appointed by the
12 minority leader of the House of Representa-
13 tives.

14 (2) DATE.—The appointment of the members
15 of the Commission shall be made not later than 60
16 days after the date of enactment of this Act.

17 (3) QUALIFICATIONS.—

18 (A) CO-CHAIRS.—The Co-chairs of the
19 Commission shall be an individual with exper-
20 tise and experience in rulemaking, such as past
21 Administrators of the Office of Information and
22 Regulatory Affairs, past chairmen of the Ad-
23 ministrative Conference of the United States,
24 and other individuals with similar expertise and

1 experience in rulemaking affairs and the admin-
2 istration of regulatory reviews.

3 (B) MEMBERS.—Members appointed to the
4 Commission shall be prominent citizens of the
5 United States with national recognition and a
6 significant depth of experience and responsibil-
7 ities in matters relating to government service,
8 regulatory policy, economics, Federal agency
9 management, public administration, and law.

10 (4) LIMITATION.—Not more than 5 members
11 appointed to the Commission may be from the same
12 political party.

13 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
14 bers shall be appointed for the life of the Commission. Any
15 vacancy in the Commission shall not affect its powers, but
16 shall be filled in the same manner as the original appoint-
17 ment.

18 (d) INITIAL MEETING.—Not later than 30 days after
19 the date on which all members of the Commission have
20 been appointed, the Commission shall hold its first meet-
21 ing.

22 (e) MEETINGS.—The Commission shall meet at the
23 call of the Co-chairs.

1 (f) OPEN TO THE PUBLIC.—Each meeting of the
2 Commission shall be open to the public, unless a member
3 objects.

4 (g) QUORUM.—Five members of the Commission
5 shall constitute a quorum, but a lesser number of members
6 may hold hearings.

7 (h) NONAPPLICABILITY OF THE FEDERAL ADVISORY
8 COMMITTEE ACT.—The Federal Advisory Committee Act
9 (5 U.S.C. App.) shall not apply to the Commission.

10 **SEC. 4. DUTIES OF THE COMMISSION.**

11 (a) PURPOSE.—The purpose of the Commission is to
12 evaluate and provide recommendations for modification,
13 consolidation, or repeal of covered regulations with the
14 aim of reducing compliance costs, encouraging growth and
15 innovation, and improving competitiveness, all while pro-
16 tecting public health and safety.

17 (b) REQUIREMENTS.—In carrying out subsection (a),
18 the Commission shall—

19 (1) give priority in its analysis of covered regu-
20 lations to those that—

21 (A) impose disproportionately high costs
22 on a small entity (as defined in section 601 of
23 title 5, United States Code);

24 (B) impose substantial paperwork burdens;

25 or

1 (C) could be strengthened in their effec-
2 tiveness while reducing regulatory costs;

3 (2) solicit and review comments from the public
4 on the covered regulations described in this section;
5 and

6 (3) develop a set of covered regulations to mod-
7 ify, consolidate, or repeal to be submitted to Con-
8 gress for an up-or-down vote.

9 (c) PUBLIC COMMENTS.—

10 (1) IN GENERAL.—Not later than 60 days after
11 the date of the initial meeting of the Commission,
12 the Commission shall initiate a process to solicit and
13 collect written recommendations from the general
14 public, interested parties, Federal agencies, and
15 other relevant entities regarding which covered regu-
16 lations should be examined.

17 (2) SUBMISSION OF PUBLIC COMMENTS.—The
18 Commission shall ensure that the process initiated
19 under paragraph (1) allows for recommendations to
20 be submitted to the Commission through the website
21 of the Commission or by mail.

22 (3) LENGTH OF PUBLIC COMMENT PERIOD.—
23 The period for the submission of recommendations
24 under this subsection shall end 120 days after the

1 date on which the process is initiated under para-
2 graph (1).

3 (4) PUBLICATION.—At the end of the period for
4 the submission of recommendations under this sub-
5 section, all submitted recommendations shall be pub-
6 lished in the Federal Register and on the website of
7 the Commission.

8 (d) COMMISSION OUTREACH.—

9 (1) IN GENERAL.—During the public comment
10 period described in subsection (c), the Commission
11 shall conduct public outreach and convene focus
12 groups to better inform the commissioners of the
13 public's interest and possible contributions to the
14 work of the Commission.

15 (2) FOCUS GROUPS.—The focus groups re-
16 quired under paragraph (1) shall include individuals
17 affiliated with the Office of Information and Regu-
18 latory Affairs, the Administrative Conference of the
19 United States, the offices within Federal agencies
20 responsible for small business affairs and regulatory
21 compliance, and, at the discretion of the Commis-
22 sion, other relevant stakeholders from within or out-
23 side the regulatory entities.

24 (e) COMMISSION REVIEW OF PUBLIC COMMENTS.—
25 Not later than 45 days after the date on which the period

1 for the submission of recommendations ends under sub-
2 section (e), the Commission shall convene to review sub-
3 mitted recommendations and to identify covered regula-
4 tions to modify, consolidate, or eliminate.

5 (f) EXAMINATION OF REGULATIONS.—

6 (1) PROCESS FOR EXAMINATION.—In exam-
7 ining covered regulations under this section, the
8 Commission shall determine the effectiveness of indi-
9 vidual covered regulations, by using multiple re-
10 sources, including quantitative metrics, testimony
11 from industry and agency experts, and research
12 from the staff of the Commission.

13 (2) DEADLINE.—Not later than 1 year after
14 the date on which the Commission convenes under
15 subsection (e), the Commission shall complete a sub-
16 stantial examination of covered regulations.

17 (g) INITIAL REPORT.—

18 (1) IN GENERAL.—Not later than 1 year after
19 the date on which the Commission convenes under
20 subsection (e), the Commission shall publish, and
21 make available to the public for comment, a report,
22 which shall include—

23 (A) the findings and conclusions of the
24 Commission for the improvement of covered
25 regulations examined by the Commission; and

1 (B) a list of recommendations for changes
2 to the covered regulations examined by the
3 Commission, which may include recommenda-
4 tions for modification, consolidation, or repeal
5 of such covered regulations.

6 (2) REQUIREMENT.—The report required under
7 paragraph (1) shall be approved by not fewer than
8 6 members of the Commission.

9 (3) AVAILABILITY OF REPORT.—The Commis-
10 sion shall make the report required under paragraph
11 (1) available through the website of the Commission
12 and in printed form.

13 (4) PUBLIC COMMENT PERIOD.—During the
14 90-day period beginning on the date on which the
15 report required under paragraph (1) is published,
16 the Commission shall—

17 (A) solicit comments from the public on
18 such report, using the same process established
19 under subsection (c); and

20 (B) publish any comments received under
21 subparagraph (A) in the Federal Register and
22 the website of the Commission.

23 (5) CONSULTATION.—

24 (A) IN GENERAL.—Not later than 90 days
25 after the date on which the report required

1 under paragraph (1) is published, the Commis-
2 sion shall complete a consultation with the chair
3 and ranking member of the committees of juris-
4 diction in the House of Representatives and
5 Senate regarding the contents of the report.

6 (B) REQUIREMENTS.—The consultation re-
7 quired under subparagraph (A) shall provide—

8 (i) the opportunity for the chair and
9 ranking member of the committees of ju-
10 risdiction to provide substantive feedback
11 or recommendations related to the regu-
12 latory changes contained in the report re-
13 quired under paragraph (1); and

14 (ii) the opportunity for the chair and
15 ranking member of the committees of ju-
16 risdiction to provide recommendations for
17 alternative means of achieving a reduction
18 in regulatory costs while maintaining the
19 same level of benefits to society.

20 (h) REPORT TO CONGRESS.—

21 (1) IN GENERAL.—Not later than 90 days after
22 the date on which the 90-day period described in
23 subsection (g)(4) ends, the Commission shall—

24 (A) review any comments received under
25 subsection (g)(4);

1 (B) incorporate any relevant comments re-
2 ceived under subsection (g)(4) into the report
3 required under subsection (g)(1); and

4 (C) submit the revised report to Congress.

5 (2) CONTENTS.—The revised report required to
6 be submitted to Congress under paragraph (1) shall
7 include—

8 (A) the findings and conclusions of the
9 Commission for the improvement of covered
10 regulations examined by the Commission;

11 (B) a list of recommendations for changes
12 to the covered regulations examined by the
13 Commission, which may include recommenda-
14 tions for modification, consolidation, or repeal
15 of such covered regulations; and

16 (C) recommended legislative language to
17 implement the recommendations in subpara-
18 graph (B).

19 (i) CONGRESSIONAL CONSIDERATION OF COMMIS-
20 SION REPORT.—

21 (1) INTRODUCTION.—If approved by 6 members
22 of the Commission, as required under subsection
23 (g)(2), the Commission bill shall be introduced in
24 the Senate (by request) on the next day on which
25 the Senate is in session by the majority leader of the

1 Senate or by a Member of the Senate designated by
2 the majority leader of the Senate and shall be intro-
3 duced in the House of Representatives (by request)
4 on the next legislative day by the majority leader of
5 the House or by a Member of the House designated
6 by the majority leader of the House.

7 (2) CONSIDERATION IN THE HOUSE OF REP-
8 RESENTATIVES.—

9 (A) REFERRAL AND REPORTING.—Any
10 committee of the House of Representatives to
11 which the commission bill is referred shall re-
12 port it to the House without amendment not
13 later than 30 days after the date on which the
14 commission bill is introduced under paragraph
15 (1). If a committee fails to report the commis-
16 sion bill within that period, it shall be in order
17 to move that the House discharge the com-
18 mittee from further consideration of the com-
19 mission bill. Such a motion shall not be in order
20 after the last committee authorized to consider
21 the commission bill reports it to the House or
22 after the House has disposed of a motion to
23 discharge the commission bill. The previous
24 question shall be considered as ordered on the
25 motion to its adoption without intervening mo-

1 tion except 3 hours of debate equally divided
2 and controlled by the proponent and an oppo-
3 nent. If such a motion is adopted, the House
4 shall proceed immediately to consider the com-
5 mission bill in accordance with subparagraphs
6 (B) and (C). A motion to reconsider the vote by
7 which the motion is disposed of shall not be in
8 order.

9 (B) PROCEEDING TO CONSIDERATION.—
10 After the last committee authorized to consider
11 the commission bill reports it to the House or
12 has been discharged (other than by motion)
13 from its consideration, it shall be in order to
14 move to proceed to consider the commission bill
15 in the House. Such a motion shall not be in
16 order after the House has disposed of a motion
17 to proceed with respect to the commission bill.
18 The previous question shall be considered as or-
19 dered on the motion to its adoption without in-
20 tervening motion. A motion to reconsider the
21 vote by which the motion is disposed of shall
22 not be in order.

23 (C) CONSIDERATION.—The commission bill
24 shall be considered as read. All points of order
25 against the commission bill and against its con-

1 sideration are waived. The previous question
2 shall be considered as ordered on the commis-
3 sion bill to its passage without intervening mo-
4 tion except 10 hours of debate equally divided
5 and controlled by the proponent and an oppo-
6 nent and one motion to limit debate on the
7 commission bill. A motion to reconsider the vote
8 on passage of the commission bill shall not be
9 in order.

10 (D) VOTE ON PASSAGE.—The vote on pas-
11 sage of the commission bill shall occur not later
12 than 60 days after the date on which the com-
13 mission bill is discharged from the last com-
14 mittee authorized to consider the commission
15 bill.

16 (3) CONSIDERATION IN THE SENATE.—

17 (A) COMMITTEE CONSIDERATION.—A com-
18 mission bill introduced in the Senate under
19 paragraph (1) shall be jointly referred to the
20 committee or committees of jurisdiction, which
21 committees shall report the bill without any re-
22 vision and with a favorable recommendation, an
23 unfavorable recommendation, or without rec-
24 ommendation, not later than 30 days after the
25 date on which the commission bill is introduced.

1 If any committee fails to report the bill within
2 that period, that committee shall be automati-
3 cally discharged from consideration of the bill,
4 and the bill shall be placed on the appropriate
5 calendar.

6 (B) MOTION TO PROCEED.—Notwith-
7 standing Rule XXII of the Standing Rules of
8 the Senate, it is in order, not later than 2 days
9 of session after the date on which a commission
10 bill is reported or discharged from all commit-
11 tees to which it was referred, for the majority
12 leader of the Senate or the majority leader's
13 designee to move to proceed to the consider-
14 ation of the commission bill. It shall also be in
15 order for any Member of the Senate to move to
16 proceed to the consideration of the commission
17 bill at any time after the conclusion of such 2-
18 day period. A motion to proceed is in order
19 even though a previous motion to the same ef-
20 fect has been disagreed to. All points of order
21 against the motion to proceed to the commis-
22 sion bill are waived. The motion to proceed is
23 not debatable. The motion is not subject to a
24 motion to postpone. A motion to reconsider the
25 vote by which the motion is agreed to or dis-

1 agreed to shall not be in order. If a motion to
2 proceed to the consideration of the commission
3 bill is agreed to, the commission bill shall re-
4 main the unfinished business until disposed of.

5 (C) CONSIDERATION.—All points of order
6 against the commission bill and against consid-
7 eration of the commission bill are waived. Con-
8 sideration of the commission bill and of all de-
9 batable motions and appeals in connection
10 therewith shall not exceed a total of 10 hours
11 which shall be divided equally between the ma-
12 jority and minority leaders or their designees. A
13 motion further to limit debate on the commis-
14 sion bill is in order, shall require an affirmative
15 vote of a majority of the Members duly chosen
16 and sworn, and is not debatable. Any debatable
17 motion or appeal is debatable for not to exceed
18 1 hour, to be divided equally between those fa-
19 voring and those opposing the motion or appeal.
20 All time used for consideration of the commis-
21 sion bill, including time used for quorum calls
22 and voting, shall be counted against the total
23 10 hours of consideration.

24 (D) NO AMENDMENTS.—An amendment to
25 the commission bill, or a motion to postpone, or

1 a motion to proceed to the consideration of
2 other business, or a motion to recommit the
3 commission bill, is not in order.

4 (E) VOTE ON PASSAGE.—If the Senate has
5 voted to proceed to the commission bill, the vote
6 on passage of the commission bill shall occur
7 immediately following the conclusion of the de-
8 bate on a commission bill, and a single quorum
9 call at the conclusion of the debate if requested.
10 The vote on passage of the commission bill shall
11 occur not later than 60 days after the date on
12 which the commission bill is discharged from all
13 committees to which the commission bill was re-
14 ferred.

15 (F) RULINGS OF THE CO-CHAIRS ON PRO-
16 CEDURE.—Appeals from the decisions of the
17 Co-chairs relating to the application of the rules
18 of the Senate, as the case may be, to the proce-
19 dure relating to a commission bill shall be de-
20 cided without debate.

21 (4) AMENDMENT.—The commission bill shall
22 not be subject to amendment in either the House of
23 Representatives or the Senate.

24 (5) CONSIDERATION BY THE OTHER HOUSE.—

1 (A) IN GENERAL.—If, before passing the
2 commission bill, one House receives from the
3 other a commission bill—

4 (i) the commission bill of the other
5 House shall not be referred to a com-
6 mittee; and

7 (ii) the procedure in the receiving
8 House shall be the same as if no commis-
9 sion bill had been received from the other
10 House until the vote on passage, when the
11 commission bill received from the other
12 House shall supplant the commission bill
13 of the receiving House.

14 (B) REVENUE MEASURE.—This subsection
15 shall not apply to the House of Representatives
16 if the commission bill received from the Senate
17 is a revenue measure.

18 (6) RULES TO COORDINATE ACTION WITH
19 OTHER HOUSE.—

20 (A) TREATMENT OF COMMISSION BILL OF
21 OTHER HOUSE.—If the Senate fails to introduce
22 or consider a commission bill under this section,
23 the commission bill of the House shall be enti-
24 tled to expedited floor procedures under this
25 section.

1 (B) TREATMENT OF COMPANION MEAS-
2 URES IN THE SENATE.—If following passage of
3 the commission bill in the Senate, the Senate
4 then receives the commission bill from the
5 House of Representatives, the House-passed
6 commission bill shall not be debatable. The vote
7 on passage of the commission bill in the Senate
8 shall be considered to be the vote on passage of
9 the commission bill received from the House of
10 Representatives.

11 (C) VETOES.—If the President vetoes the
12 commission bill, debate on a veto message in
13 the Senate under this section shall be 1 hour
14 equally divided between the majority and minor-
15 ity leaders or their designees.

16 (j) NOTICE TO REGULATORY AGENCIES.—

17 (1) ENACTMENT OF COMMISSION BILL.—If the
18 commission bill is enacted into law, the President
19 shall—

20 (A) not later than 7 days after the date on
21 which the commission bill is enacted into law—

22 (i) provide notice to the affected regu-
23 latory agencies; and

24 (ii) publish notice of enactment in the
25 Federal Register and online; and

1 (B) require affected regulatory agencies to
2 implement the commission bill not later than
3 180 days after the date on which the commis-
4 sion bill is enacted into law.

5 (2) FAILURE TO ENACT COMMISSION BILL.—If
6 the commission bill is not enacted into law, the
7 President shall provide notice of such failure to
8 enact the commission bill in the Federal Register.

9 (k) ADJOURNMENT OF CONGRESS.—If the commis-
10 sion bill is introduced less than 60 session days or 60 leg-
11 islative days before the date on which Congress adjourns
12 sine die—

13 (1) the commission bill shall be introduced in
14 both Houses on the date on which the succeeding
15 Congress first convenes its next session; and

16 (2) subsection (i) shall apply to the commission
17 bill during the succeeding Congress.

18 **SEC. 5. POWERS OF THE COMMISSION.**

19 (a) HEARINGS.—The Commission may hold such
20 hearings, sit and act at such times and places, take such
21 testimony, and receive such evidence as the Commission
22 considers advisable to carry out this Act.

23 (b) INFORMATION FROM FEDERAL AGENCIES.—

24 (1) IN GENERAL.—The Commission is author-
25 ized to secure directly from any executive depart-

1 ment, bureau, agency, board, commission, office,
2 independent establishment, or instrumentality of the
3 Government, information, suggestions, estimates,
4 and statistics for the purpose of this Act. Each de-
5 partment, bureau, agency, board, commission, office,
6 independent establishment, or instrumentality shall,
7 to the extent authorized by law, furnish such infor-
8 mation, suggestions, estimates, and statistics di-
9 rectly to the Commission, upon request made by the
10 co-chairs, the chairman of any subcommittee created
11 by the Commission, or any member designated by a
12 majority of the Commission.

13 (2) RECEIPT, HANDLING, STORAGE, AND DIS-
14 SEMINATION.—Information shall only be received,
15 handled, stored, and disseminated by members of
16 the Commission and its staff consistent with all ap-
17 plicable statutes, regulations, and Executive orders.

18 (c) POSTAL SERVICES.—The Commission may use
19 the United States mails in the same manner and under
20 the same conditions as other departments and agencies of
21 the Federal Government.

22 (d) GIFTS.—The Commission may accept, use, and
23 dispose of gifts or donations of services or property.

24 (e) SPACE FOR USE OF COMMISSION.—Not later
25 than 60 days after the date of enactment of this Act, the

1 Administrator of General Services shall support on a reim-
2 bursable basis the operations of the Commission, including
3 the identification of suitable space to house the Commis-
4 sion. If the Administrator is not able to make such suit-
5 able space available within the 60-day period, the Commis-
6 sion shall lease space to the extent that funds are avail-
7 able.

8 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

9 (a) COMPENSATION OF MEMBERS.—Each member of
10 the Commission shall be compensated at a rate equal to
11 the daily equivalent of the annual rate of basic pay pre-
12 scribed for level IV of the Executive Schedule under sec-
13 tion 5315 of title 5, United States Code, for each day (in-
14 cluding travel time) during which such member is engaged
15 in the performance of the duties of the Commission.

16 (b) TRAVEL EXPENSES.—The members of the Com-
17 mission shall be allowed travel expenses, including per
18 diem in lieu of subsistence, at rates authorized for employ-
19 ees of agencies under subchapter I of chapter 57 of title
20 5, United States Code, while away from their homes or
21 regular places of business in the performance of services
22 for the Commission.

23 (c) STAFF.—

24 (1) IN GENERAL.—The co-chairs of the Com-
25 mission may, without regard to the civil service laws

1 and regulations, appoint and terminate an executive
2 director and such other additional personnel as may
3 be necessary to enable the Commission to perform
4 its duties. The employment of an executive director
5 shall be subject to confirmation by the Commission.

6 (2) COMPENSATION.—The co-chairs of the
7 Commission may fix the compensation of the execu-
8 tive director and other personnel without regard to
9 chapter 51 and subchapter III of chapter 53 of title
10 5, United States Code, relating to classification of
11 positions and General Schedule pay rates, except
12 that the rate of pay for the executive director and
13 other personnel may not exceed the rate payable for
14 level V of the Executive Schedule under section 5316
15 of such title.

16 (3) AGENCY ASSISTANCE.—Following consulta-
17 tion with and upon the request of the co-chairs of
18 the Commission, the head of any agency may detail
19 an employee of the agency to the Commission with-
20 out reimbursement, and such detail shall be without
21 interruption or loss of civil service status or privi-
22 lege.

23 (4) GAO AND OIRA ASSISTANCE.—The Comp-
24 troller General of the United States and the Admin-
25 istrator of the Office of Information and Regulatory

1 Affairs shall provide assistance, including the detail-
2 ing of employees, to the Commission in accordance
3 with an agreement entered into with the Commis-
4 sion.

5 (d) **PROCUREMENT OF TEMPORARY AND INTERMIT-**
6 **TENT SERVICES.**—The co-chairs of the Commission may
7 procure temporary and intermittent services under section
8 3109(b) of title 5, United States Code, at rates for individ-
9 uals which do not exceed the daily equivalent of the annual
10 rate of basic pay prescribed for level V of the Executive
11 Schedule under section 5316 of such title.

12 (e) **CONTRACTING AUTHORITY.**—The Commission
13 may acquire administrative supplies and equipment for
14 Commission use to the extent funds are available.

15 (f) **ADMINISTRATIVE SUPPORT.**—Upon the request of
16 the Commission, the Administrator of General Services
17 shall provide to the Commission, on a reimbursable basis,
18 the administrative support services necessary for the Com-
19 mission to carry out its responsibilities under this Act.

20 **SEC. 7. TERMINATION OF THE COMMISSION.**

21 The Commission shall terminate 90 days after the
22 date on which the Commission submits its report under
23 section 4.

1 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There are authorized to be appro-
3 priated such sums as may be necessary to the Commission
4 to carry out this Act.

5 (b) AVAILABILITY.—Any sums appropriated under
6 the authorization contained in this section shall remain
7 available, without fiscal year limitation, until expended.

